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8 **Attorneys for Plaintiff**
9 **OHVA, Inc.**

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

13 **OHVA, Inc.,**

14 **Case No. _____**

15 **Plaintiff,**

16 **Patent Case**

17 **v.**

18 **Jury Trial Demanded**

19 **Eventbrite, Inc.,**

20 **Defendant.**

21 **COMPLAINT FOR PATENT INFRINGEMENT**

22 **Plaintiff OHVA, Inc. ("OHVA"), through its attorneys, complains of Eventbrite, Inc.**
23 **("Eventbrite"), and alleges the following:**

24 **PARTIES**

25 1. Plaintiff OHVA, Inc. is a corporation organized and existing under the laws of
26 California that maintains its principal place of business at 945 Whitehall Avenue, San Jose, CA
27 95128.

1 2. Defendant Eventbrite, Inc. is a corporation organized and existing under the laws of
2 Delaware that maintains its principal place of business at 155 5th St, 7th Floor, San Francisco, CA
3 94103.

ARTICLE I. JURISDICTION

8 4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and
9 1338(a).

10 5. This Court has personal jurisdiction over Defendant because it has engaged in
11 systematic and continuous business activities in this District. As described below, Defendant has
12 committed acts of patent infringement giving rise to this action within this District.

VENUE

PATENT-IN-SUIT

19 7. OHVA is the assignee of all right, title and interest in United States Patent No.
20 9,679,286 (the "286 Patent"); (the "Patent-in-Suit"); including all rights to enforce and prosecute
21 actions for infringement and to collect damages for all relevant times against infringers of the
22 Patent-in-Suit. Accordingly, OHVA possesses the exclusive right and standing to prosecute the
23 present action for infringement of the Patent-in-Suit by Defendant.

The '286 Patent

25 8. The '286 Patent is entitled "Methods and Apparatus for Enabling Secure Network-
26 Based Transactions," and issued 3/3/2015. The application leading to the '286 Patent was filed on
27 6/13/2017, which ultimately claims priority from provisional application number 60/719,273, filed
28

1 on 9/20/2005. A true and correct copy of the '286 Patent is attached hereto as Exhibit 1 and
2 incorporated herein by reference.

3 9. The '286 Patent is valid and enforceable.

4 **COUNT 1: INFRINGEMENT OF THE '286 PATENT**

5 10. OHVA incorporates the above paragraphs herein by reference.

6 11. **Direct Infringement.** Defendant has been and continues to directly infringe one or
7 more claims of the '286 Patent in at least this District by making, using, offering to sell, selling
8 and/or importing, without limitation, at least Eventbrite's Card Reader (the "Exemplary Eventbrite
9 Products") that infringe at least exemplary claims 1 of the '286 Patent (the "Exemplary '286 Patent
10 Claims") literally or by the doctrine of equivalence. On information and belief, numerous other
11 devices that infringe the claims of the '286 Patent have been made, used, sold, imported, and
12 offered for sale by Defendant and/or its customers.

14 12. The filing of this Complaint constitutes notice and actual knowledge in accordance
15 with 35 U.S.C. § 287. Moreover, prior to the filing of this complaint, Blackbird Technologies,
16 former patent owner, sent Defendant a letter dated 9/21/2018 that imparted to Defendant actual
17 knowledge of the '286 Patent and that its Exemplary Eventbrite Products and the products
18 incorporating them are imported into, sold, offered for sale, and used in the United States (the
19 "Letter"). In addition to actual knowledge of the '286 Patent, prior to the filing of this complaint,
20 the Letter also imparted to Eventbrite knowledge that the Exemplary Eventbrite Products, and the
21 use by consumers of those products, in the customary and intended manner, was likely to infringe
22 the '286 Patent.

24 13. Despite such actual knowledge, Defendant continues to make, use, test, sell, offer
25 for sale, market, and/or import into the United States, products that infringe the '286 Patent. On
26 information and belief, Defendant has also continued to sell the Exemplary Eventbrite Products
27 and distribute product literature and website materials inducing end users and others to use its

products in the customary and intended manner that infringes the '286 Patent. Thus, on information and belief, Defendant is contributing to and/or inducing the infringement of the '286 Patent.

14. **Induced Infringement.** Defendant actively, knowingly, and intentionally has been and continues to induce infringement of the '286 Patent, literally or by the doctrine of equivalence, by selling Exemplary Eventbrite Products to their customers for use in end-user products in a manner that infringes one or more claims of the '286 Patent.

15. Contributory Infringement. Defendant actively, knowingly, and intentionally has been and continues materially contribute to their own customers' infringement of the '286 Patent, literally or by the doctrine of equivalence, by selling Exemplary Eventbrite Products to their customers for use in end-user products in a manner that infringes one or more claims of the '286 Patent.

16. Exhibit 2 includes charts comparing the Exemplary '286 Patent Claims to the Exemplary Eventbrite Products. As set forth in these charts, the Exemplary Eventbrite Products practice the technology claimed by the '286 Patent. Accordingly, the Exemplary Eventbrite Products incorporated in these charts satisfy all elements of the Exemplary '286 Patent Claims.

17. OHVA therefore incorporates by reference in its allegations herein the claim charts of Exhibit 2.

18. OHVA is entitled to recover damages adequate to compensate for Defendant's infringement.

JURY DEMAND

19. Under Rule 38(b) of the Federal Rules of Civil Procedure, OHVA respectfully requests a trial by jury on all issues so triable.

ARTICLE II. PRAYER FOR RELIEF

WHEREFORE, OHVA respectfully requests the following relief:

- A. A judgment that the '286 Patent is valid and enforceable;
- B. A judgment that Defendant has infringed, contributorily infringed, and/or induced infringement of one or more claims of the '286 Patent;
- C. An accounting of all damages not presented at trial;
- D. A judgment that awards OHVA all appropriate damages under 35 U.S.C. § 284 for Defendant's past infringement, and any continuing or future infringement of the Patent-in-Suit, up until the date such judgment is entered, including pre- or post-judgment interest, costs, and disbursements as justified under 35 U.S.C. § 284 and, if necessary, to adequately compensate OHVA for Defendant's infringement, an accounting:
 - i. that this case be declared exceptional within the meaning of 35 U.S.C. § 285 and that OHVA be awarded its reasonable attorneys' fees against Defendant that it incurs in prosecuting this action;
 - ii. that OHVA be awarded costs, and expenses that it incurs in prosecuting this action; and
 - iii. that OHVA be awarded such further relief at law or in equity as the Court deems just and proper.

Respectfully submitted,

/s/ Steven A. Nielsen

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Counsel for Plaintiff